

राजस्टर्ड न० पी० एस० एम० 14.



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, सोमवार, 4 फरवरी, 1974/15 माय, 1895

GOVERNMENT OF HIMACHAL PRADESH

**HOUSING DEPARTMENT
NOTIFICATION**

Simla-2, the 20th December, 1973

No. 1-1/72-Hou.—In exercise of the powers conferred by section 52 of the Himachal Pradesh Housing Board, Act, 1972, the Governor, Himachal Pradesh, proposes to make the following draft rules entitled as the Himachal Pradesh Housing Board Rules, 1973 and the same are hereby published in the Official Gazette for the information of persons likely to be affected

thereby and a notice is hereby given that these draft rules will be taken into consideration after 30 days from the date of publication in the Gazette.

If any person affected thereby, desires to take any objection, or has any suggestion to make, regarding these draft rules, he can send the same to the Secretary, Housing Department to the Government of Himachal Pradesh, Simla-2 before the expiry of the above period. The objection or suggestions, if any, so received, will be taken into consideration before making such rules.

DRAFT RULES

THE HIMACHAL PRADESH HOUSING BOARD RULES, 1973

1. (1) These rules may be called the Himachal Pradesh Housing Board Rules, 1973.
- (2) They shall come into force at once.
2. In these rules, unless the context otherwise requires,—
- (a) 'act' means the Himachal Pradesh Housing Board Act, 1972 (Act No. 10 of 1972);
 - (b) 'board' means the Himachal Pradesh Housing Board constituted under section 3 of the Act;
 - (c) 'chairman' and 'members' means the Chairman and members of the Board;
 - (d) 'debenture' means a security document issued by the Board for money borrowed by the Board;
 - (e) 'form' means a form appended to these rules;
 - (f) 'fund' means the Housing Board Fund;
 - (g) 'government' or 'state government' means the Government of Himachal Pradesh;
 - (h) 'loan' means a sum of money obtained on returnable basis by issue of debentures or otherwise;
 - (i) 'divisional officer' means XEN of the Division;
 - (j) all other words and expressions used in these rules but not defined shall have the same meaning as has been respectively assigned to them in the Act.
3. The Chairman and other members shall be appointed by the Government,—
- (1) Provided that no person shall be appointed after attaining the age of sixty years.
 - (2) Provided further that where the Chairman or member has been appointed by the Government before attaining the age of sixty years, he shall continue to hold office of Chairman or member, as the case may be, for full term of his appointment notwithstanding his attaining the age of sixty years.
 - (3) Provided further that if any member has been appointed by the Government before the commencement of the rules, who was more than 60 years at the time of his appointment, the said appointment shall be deemed to be made validly and the member shall continue to hold office for full term of his appointment.
4. The Chairman and member shall be eligible for re-appointment subject to the provisions of rule 3 above.

Title and commencement.

Definitions.

Terms of office and conditions of appointment of Chairman and members of the Board-3.

Eligibility of Chairman and Members, for Reappointment.

Remuneration of
Chairman
and Mem-
bers.

5. Remuneration of Chairman and members shall be fixed by the Government in each case subject to the following conditions:—

(a) Chairman—

(i) If a Government Officer, his salary and other conditions of service shall be determined by the terms of his deputation by the Government.

(ii) If a retired or re-employed Government Officer, he shall get the substantive pay drawn by him at the time of his retirement less gross monthly pension:

Provided that where a Government Officer has been in receipt of officiating pay at the time of his retirement for a continuous period of not less than one year, he shall get that officiating pay less gross monthly pension:

Provided further that where the Officer has been in receipt of a special pay continuously for a period of not less than one year at the time of retirement from Government service, he shall also be entitled to such special pay in addition to the substantive or officiating pay, as the case may be:

Provided further that Government may in deserving cases relax these conditions and allow officiating pay drawn at the time of retirement instead of substantive pay.

(iii) If a non-official Chairman, he shall get gross monthly emoluments not exceeding Rs. 1,500.00 per mensem;

(iv) If a Government Officer is appointed as a Chairman in addition to his own duties, he shall be paid such special pay/ remuneration as is determined by the Government for performing such duties.

(b) Members—

(i) If a Government Officer is appointed as a part-time member, he shall be paid such special pay/remuneration as may be determined by the Government.

(ii) If a retired or re-employed Government Officer, is appointed as a whole time member, he shall be governed by the conditions prescribed in sub-rule (a) (ii) above of this rule. If appointed as part-time member, he may be allowed such special pay or allowance, as is determined by the Government.

(iii) If a non-official is appointed as a whole time member, he shall be paid such pay and allowances as may be determined by the State Government. If a member of State Vidhan Sabha is appointed as a part-time non-official member he shall be paid such daily allowance as is admissible to the members of Himachal Pradesh Vidhan Sabha, for the days he actually attends the meetings of the Board under the terms and conditions prescribed in their Salary and Allowances Act/Rules. In case the part-time member happens to be a member of Parliament, he shall be paid such daily allowance as is paid to the Members of Parliament while attending the Session of the Parliament. The non-official members,

other than Member of Parliament and M.L.A. will be paid daily allowance at the same rates as admissible to grade I officials of the State Government.

- (iv) The non-official members, shall in addition to the daily allowance as mentioned in sub-rule (b) (iii) of this rule, be paid the travelling allowance from the place of his residence to the headquarters of the Board or such other place where a meeting is held and back for the purpose of attending the meetings of the Board as admissible under rule 7 below:

Provided that travelling allowance for attending the meetings shall be allowed from the place of his permanent residence or from the place from where he attends the meetings whichever is nearer.

Note 1.—The words "gross monthly pension" as used in this rule shall mean pension plus pension equivalent of death-cum-retirement gratuity and commuted pension. The words "gross emoluments" in the case of a retired or re-employed Government Officer shall mean monthly emoluments paid under this rule plus gross monthly pension.

Note 2.—A Government Officer holding an officiating or a substantive appointment at the time of his appointment as Chairman or member shall be allowed regular increments as and when they would have accrued to him had he not been appointed as Chairman or member. If the post under Government was held in an officiating capacity the officer appointed as Chairman or member shall be entitled to the benefit of the monthly emoluments and increments relating to such officiating appointments only so long as and upto the date it can be certified by Government that the officer would have continued to officiate in the said post or in another post carrying the same or higher emoluments but for his appointment to the Board.

6. The Chairman or a member may resign his office by giving three months' notice in writing to the Government. The Government may, if it thinks fit, waive such condition.

Resignation.

7. (a) Subject to rule 5 (b) (iv), the Chairman and other members whether Government Officers or otherwise, shall for journeys performed for the purpose of the Board, be entitled to the traveling allowance at the rates for the time being admissible under the rules to grade I officers.

Travelling Allowance

Note.—The non-official members who are Members of Vidhan Sabha could be governed by the same rule as apply to them as M.L.A. for this purpose.

Explanation.—Those non-official members who are not in receipt of any pay shall be graded as grade I officer drawing a pay of Rs. 1,000 per mensem.

(b) No journey outside the State of Himachal Pradesh shall be undertaken by the Chairman without the approval of the Board.

8. The Chairman and the whole time members and their families shall be entitled to such medical facilities as are admissible to class I officers of the Himachal Pradesh Government.

Medical facilities.

Accommodation facilities.

9. The whole time Chairman and the whole time members residing at the headquarters of the Board shall—

- (i) either be entitled to residential accommodation owned or requisitioned by Government or residential accommodation owned by the Board, if and when available, on the payment of 10 per cent of their emoluments, subject to the condition that in case of Government owned or requisitioned accommodation of the difference of the rent worked out under rule 45 of the Fundamental Rules and that actually paid by the Chairman or the member, as the case may be, shall be paid to the Government by the Board, or
- (ii) be entitled to such house-rent allowance in lieu thereof as is admissible to Himachal Government employees and subject to the similar conditions.

Leave and
Leave salary.

10. (a) The Chairman and the members who are Government Officers shall be entitled to such kinds of leave including casual leave as is permissible to them under the provisions of Service Rules applicable to them. The Chairman and the members who are not Government Officers shall be entitled to such leave and leave salary as is admissible to Himachal Pradesh Government employees engaged on contract on similar salaries under the rules in force on the date of the sanction of the leave.

(b) The power to grant leave, other than the casual leave to the Chairman and the members shall vest in Government.

(c) The power to grant casual leave to the Chairman of the Board shall vest in Government. The power to sanction casual leave to members of the Board shall vest in the Chairman.

(d) The part-time members will not be entitled to any leave except that their absence from meetings may be excused by the Board:

Provided that the absence of the part-time member, for three or more consecutive meetings of the Board, shall be referred to the State Government for condonation.

Function of
non-official
part-time
members.

11. Non-official part-time members when appointed shall attend the meetings of the Board and take full part in the deliberations of the meetings. They may, however, be entrusted by the Board with special duties on an *ad hoc* basis from time to time. They shall not be placed in charge of any particular subject or regular basis.

Whole-time
Member not
to accept
any other
assignment.

12. No whole-time member shall so long as he continues as member accept any assignment, other than that of the Board, without the prior permission of the Government.

Chairman
to be the
controlling
officer in
respect of
Travel-
ling allow-
ance Bills.

13. The Chairman of the Board shall be the Controlling Officer in respect of Travelling Allowance Bills of the Members of the Board.

14. The annual Housing Programme and the budget shall be prepared in Form I.

Form of
Housing
Programme.

15. Before the first day of December, in each year, the Board shall prepare and forward to the State Government:—

Preparation
of Budget
and Prog-
ramme.

(i) Programme.

(ii) The budget for the next year.

(iii) A schedule of the staff of officers and servants already employed and to be employed during the next year.

The programme shall contain:—(i) Such particulars of the housing scheme which the Board proposes to execute whether in part or in whole during the next year as may be prescribed;

(ii) The particulars of any undertaking which the Board proposes to organise or execute during the next year for the purpose of the production of building materials; and

(iii) Such other particulars as the Government may require to be furnished.

(iv) The budget shall contain a statement showing the estimated receipt and expenditure on capital and revenue accounts for the next year.

(v) The Board may at any time during the year in respect of which programme has been sanctioned, submit a supplementary programme and budget and the additional schedule of the staff, if any, to the State Government.

(vi) The Board may at any time vary any programme or any part thereof provided that no variation shall be made if it involves an expenditure in excess of 10% of the amount as originally provided for the execution of any scheme included in such programme or affects its scope or purpose.

(vii) The Board shall also furnish to the State Government with its housing programme, budget and schedule of staff, a brief note giving description of the schemes, information regarding estimated expenditure, receipts accrued therefrom etc.

16. Soon after the approval of the housing scheme included in the budget under section 29 of the Act, the State Government shall cause to publish the scheme in the Himachal Pradesh Rajpatra.

Publication
of Housing
Scheme.

17. (1) In order to carry out the purposes of the Act the Board may borrow moneys from the Government or such other agencies as are approved by the Government.

Borrowing
of Loans.

(2) The Board shall not borrow any sum in excess of the limit determined by the Government from time to time.

18. Where the repayment of the loans borrowed by the Board are to be guaranteed by the Government, the loans shall be obtained at such rate of interest and on such terms and conditions as may be approved by the Government.

Conditions
to be pres-
cribed by
the Govern-
ment.

19. (1) The Board may, with the previous sanction of the Government, borrow moneys by issuing debentures.

Issue of de-
bentures.

(2) The total amount of debentures to be issued, issue price, form of debenture and the date of maturity, shall be determined by the Board, from

time to time with the prior approval of the Government.

(3) The rate of interest shall be such as may be fixed from time to time, by the Government.

(4) A sinking fund shall be constituted for redemption of the debentures.

Debentures
to be negotiable.

20. The debentures shall be negotiable by endorsement and delivery.

Reservation
of debentures.

21. The Board may, with the sanction of the Government reserve the debenture bonds for issuing to any particular bank or banker.

Brokerage.

22. The Board may fix the brokerage, subject to the previous sanction of the Government, from time to time which shall be paid to banks, brokers and authorised agents, on their application and also on applications received through them, bearing their seal; provided the total subscription received from them is not less than such sum as may be determined by the Board.

Underwriting
commission.

23. The Board may, subject to previous sanction of the Government, determine underwriting commission which shall be paid to bank and bankers who invest a sum not less than the minimum amount that may be fixed by the Board.

Applica-
tions.

24. Applications for the issue of debentures shall be made to the Board in Form No. II.

Subscrip-
tions.

25. (1) Subscriptions to the debentures may be made by cheques or demand drafts drawn in favour of the Chairman of the Board. In respect of cheques drawn on banks other than State Bank of India, Simla Branch, commission and collection charges, as may be fixed by the Board, shall be paid. The debentures shall be issued only after the subscriptions are fully realised.

(2) If the subscriptions exceed the total amount of the debentures to be issued, partial allotment may be made and the balance of sum received with the application shall be refunded as soon as possible. No interest shall be paid of the amounts so refunded. The Board may, reserve the right to retain the subscriptions received upto ten per cent in excess of the sum floated.

Value of
debentures.

26. The debentures may be issued in denominations of Rs. 100, Rs. 500, Rs. 1,000, Rs. 5,000, Rs. 10,000 Rs. 25,000, Rs. 50,000 and Rs. 1,00,000.

(2) Each debenture shall be signed by the Chairman and one other member authorised by the Board.

Conditions
of issue or
replacement
of deben-
tures.

27. (1) The interest on the debentures shall be paid half yearly. The interest is subject to the payment of income-tax.

(2) The debentures shall be redeemable at part on the dates noted therein and the holder shall have no claim upon the Board for the interest accruing after the expiry of term.

(3) The debentures which by reason of damage sustained, have become unfit for circulation, shall be replaced at the request of the holder on surrendering the damaged or defaced debentures; provided that the essential marks for genuineness and identity, such as, the number, the amount,

the rate of interest, the date and signature of the Chairman and the member, of the Board are still intact and recognisable. Fresh debentures shall also be issued to replace lost or destroyed debentures when in the opinion of the Board the fact of loss or destruction is proved beyond doubt. When such proof is not produced or when in case of damage the essential marks on the debentures are lost and no longer recognisable, or when the debenture has been lost or has been mislaid, a new debenture may be issued only after the debenture which is alleged to be missing or unrecognisable, has been advertised by the claimant as lost or mislaid, in the manner prescribed by the Board and is not claimed by any other person.

(4) The debenture shall be re-issued for the same amount under the same number with the addition of the word "Renewed". A fee of one rupee shall be charged for every renewed debenture thus issued,

28. The Board shall furnish a yearly statement of the loans borrowed and debentures issued, the payment of which in part or full is outstanding against the Board in Forms III and IV respectively.

Statement.

29. Whenever it is considered expedient by the Government, directions shall be issued to the Board prescribing the manner in which the repayment of the sum borrowed and the interest accrued thereon shall be made, whether or not the repayment of the loan has become due.

Direction
by Govern-
ment.

30. The loan and the interest accrued thereon which has become due, shall be a charge on the Board's fund.

Charge.

31. The default made by the Board in repayment of the loan and interest accrued thereon shall be regarded as default within the meaning of section 61 of the Act.

Default.

32. The Board's powers to sanction contracts may be delegated to the Chairman or any other officer under section 23 subject to the following limits, namely:—

Delegation
of powers
to sanction
contracts.

- (a) the maximum limit of twenty lakhs of rupees for any other contract where delegation of power is to the Chairman;
- (b) the maximum limit of one lakh of rupees for any contract where delegation of power is to be Superintending Engineer;
- (c) the maximum limit of fifty thousand of rupees where delegation of power is to an Executive Engineer;
- (d) the maximum limit of ten thousand rupees where delegation of power is to an Assistant Engineer, and three thousand rupees where delegation of power is to an officiating Assistant Engineer.

33. (1) Every contract for the execution of any work or the supply of any materials or goods, which involves an expenditure exceeding one thousand rupees shall be in writing and shall be sealed.

Manner and
form of
contract.

(2) The common seal of the Board shall remain in the custody of the Secretary and shall be affixed to any contract value of which exceeds Rs. 1.00 lakh, in the presence of the Chairman or any member of the

Board so authorised who shall attach, his signatures to the contract or instrument in token of that its having been sealed in his presence.

(3) The contracts shall be entered in the form prescribed in the Himachal Pradesh Public Works Department Code, the said form may, as far as practicable, be adopted for like contracts of the Board; provided that the Board shall have power to make such additions and alterations in the form as Board may direct.

(4) In inviting tenders and entering into contracts for the execution of its works, the Board shall follow the principles laid down in the Himachal Pradesh Public Works Department Manual unless and to the extent as may be amended by the Board.

Maintenance
of accounts.

34. (i) The accounts of the Board in the Divisional Offices and Sub-Divisional Offices shall be prepared and maintained in accordance with the Public Works Department Rules.

(ii) The accounts in the Head Office shall be maintained on commercial system. However, income and expenditure accounts and balance sheet shall be prepared.

(iii) The Divisional Officers shall forward the accounts duly compiled and checked to the Head Office by the 10th of each month following to which it relates. However, a supplementary account shall also be sent pertaining to last month of the financial year within one month of the close of the financial year. These accounts shall include the accounts of the Sub-Divisions also.

(iv) The Divisional Officers shall furnish such statements and such further accounts as may be required by the Chief Accounts Officer.

(v) The accounts of the Divisional Office on receipt in the Head Office shall be subject to scrutiny on the same basis as is done in the office of the Accountant General, Himachal Pradesh and Chandigarh. After the scrutiny the accounts shall be converted to commercial system and incorporated in the books of the Head Office.

(vi) Periodical inspections shall be carried out by the Internal Auditor who shall submit such reports to the Chief Accounts Officer with a copy to the Divisional Officer.

(vii) The accounts of the Board shall be checked by a firm of Chartered Accountants to be appointed by the State Government. The propriety aspect of these accounts shall also be checked by the office of the Accountant General, Himachal Pradesh and Chandigarh or his nominee.

(viii) As soon as the accounts have been audited, the Board shall send a copy thereof together with a copy of the report of the Auditor thereon to the State Government and shall cause the accounts to be published in a suitable manner and place copies thereof for sale at a reasonable price.

(ix) The Board shall comply with such directions as the State Government may after perusal of the report of the Auditor think fit to issue.

Disposal of
property.

35. (1) Any land vesting in the Board may with the previous concurrence of the State Government be transferred by the Board to the State Government; and when such transfer is made, the loans advanced by Government to the Board shall be reduced to the extent of the purchase value of the land so transferred plus the charges incurred on the establishment for its maintenance and on its development.

(2) Any building vesting in the Board may with the previous concurrence of the State Government be transferred by the Board to Government, and when such transfer is made, the loans advanced by Government to the Board shall be reduced to the extent of the cost of the building so transferred plus the charges incurred on the establishment of by its maintenance by deducting a reasonable amount on account of depreciation.

(3) Subject to the provisions of sub-rules (1) and (2) the Board shall not lease, sell, exchange or otherwise dispose of any immovable property vesting in it and situate in the area comprised in any housing scheme sanctioned under the Act, without the prior approval of Government. Such transfer shall be subject to such terms and conditions as Govt. may determine in each case in that behalf:

- (a) Provided that no such approval shall be required for allotment and sale of tenements, premises and residential/commercial plot, according to the regulations made by the Board in that behalf; and
- (b) for leasing any vacant land for a period not exceeding two years at a time; and
- (c) for sale or demolition of any building or structure, which is in a dangerous condition or beyond repair.

36. (i) The State Government shall before making an order under sub-section (2) of section 61 of the Himachal Pradesh Housing Board Act, 1972, for superseding the Board, give reasonable opportunity to the Chairman and other Members of the Board to show cause why such order should not be made.

Supersession of the Board.

(2) The State Government shall specify in the order made under sub-section (2) of section 61 for superseding the Board, the reasons for making it and the date from which the Board shall be superseded.

(3) The order shall be served on the Chairman and the members of the Board.

37. When the Board is superseded under sub-section (2) of section 61, the Chairman and all other members of the Board, shall, as from the date specified in the order vacate their offices as Chairman and members.

Members to vacate offices.

38. At the time of reconstituting the Board after its supersession, the State Government may re-appoint on the Board any members of the Board which was superseded by it.

Reconstitution of Board.

By order,

M. S. MUKHERJEE,
Secretary.

FORM I
(See rule 14)

THE FORM OF ANNUAL HOUSING PROGRAMME

Sr. No.	General title of work	Approximate cost of work	Estimated expenditure in the year for which programme is proposed	Description and scope of the proposed work, including particulars of type, design, location, foundation, arrangements for water supply and other details	Remarks
1	2	3	4	5	6

Note.—The form of annual housing programme shall be divided into two sub-sections as shown under:—

- (a) Particulars for housing schemes of the Housing Board, Himachal Pradesh.
- (b) Particulars of any undertakings for the purpose of production of building materials.

FORM II
(See rule 24)

FORM OF APPLICATION

HOUSING BOARD, HIMACHAL PRADESH

Application for debentures.....per cent
Year 19.....19.....

To

The Chairman,
Himachal Housing Board,
Simla.

Dear Sir,

Issue of 19.....19.....years debentures,
interest at.....per cent issue price.....
Rs.....

I/We hereby apply for debentures of the face value of Rs..... of the above issue. Debentures of the denominations noted below kindly be issued for the amount:

<i>Denomination</i>	<i>No. of debentures</i>	<i>Amount</i>
Rs.		
100		
500		
1,000		
5,000		
10,000		
25,000		
50,000		
1,00,000		

I/We send herewith/have paid a deposit of Rs..... (Rupees.....) only thorough..... for the debentures applied for:

I/We undertake to accept the same or debenture for any lesser amount. The interest may be made payable at:—

- 1.....] (Names of the Banks)
 2.....]
 3. The Chairman's Office, Simla.

4. Note.—Strike the portions not required.

Name/Names in full.....
 (in Block letters).

Address in full.....

Yours faithfully,

Notes.—1. The name in which the debentures are required should be mentioned in block letters. If the debentures are to be held in joint names, the order in which the names are to be written, should be given. In case of an institution the debentures shall be issued in the name of the institution, itself.

2. Specific mention should be made of the Bank or Office and place where the interest on debentures is to be drawn.

FORM III

(See rule 28)

HOUSING BOARD, HIMACHAL PRADESH

Statement for the Period ending 31st March, 19.....

Serial No.	*Description of obtain- the loan	Total sum crip- ed	From whom obtain- ed	Date on obtain- ed	No. of instalments paid together with total amount and interest paid so far	Outstand- ing pri- ncipal	Re- marks			
1	2	3	4	5	6	7	8	No. Principal Interest	9	10

*Description should include the period within which it is to be repaid together with rate of interest (e.g. "twelve year loan at the rate of 7-1/2 per cent per annum").

FORM IV

(See rule 28)

HIMACHAL PRADESH HOUSING BOARD

Statement showing the position of debentures issued by the Himachal Pradesh Housing Board for the period ending 31st March, 19.....

Serial No.	*Description of debentures	Total amount secured	Date of maturity	Interest paid so far	Total deposits in sinking fund	Remarks
1	2	3	4	5	6	7

*The description should include the year of issue and the year of maturity together with the rate of interest payable (e.g. 1972-73 at 7-1/2 per cent per annum).